

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

**JONATHAN DAVID MOORE
DEBTOR(S)**

**CASE NO. 11-08144-8-RDD
CHAPTER 13**

AMENDED MOTION TO DEEM MORTGAGE CURRENT

NOW COMES, Richard M. Stearns, Chapter 13 Trustee and hereby moves the Court for an Order declaring the Debtor(s) mortgage to WILMINGTON TRUST, NATIONAL ASSOC (formerly Residential Credit Solutions as servicing agent for EMC Mortgage, LLC pursuant to Transfer of Claim for Security dated 12/15/14) its successors and/or assigns WILMINGTON TRUST, NATIONAL ASSOC current; and, in support of said Motion, shows unto the Court as follows:

1. The Debtor(s) Chapter 13 Plan was confirmed on 04/10/2012.
2. WILMINGTON TRUST, NATIONAL ASSOC filed a claim in this case secured by the Debtor(s) residence. The Trustee has disbursed a total of \$14,971.32 to WILMINGTON TRUST, NATIONAL ASSOC representing contractual post-petition mortgage payments.
3. In addition to the contractual post-petition mortgage payments, WILMINGTON TRUST, NATIONAL ASSOC was also allowed a pre-petition arrearage claim and other allowed post petition charges in the amount of \$12,903.98. This claim has been paid in full.
4. WILMINGTON TRUST, NATIONAL ASSOC has advised the Trustee that the account is contractually current through 10/2014 with the next payment due 11/2014.
5. Other than as stated herein, the Trustee is not aware of any other permissible fees, expenses or charges accruing on the mortgage loan from the petition date through the date of this Motion that have not been paid.
6. Based on the foregoing information available to the Trustee WILMINGTON TRUST, NATIONAL ASSOC was served with a Notice of Final Cure Payment ("Notice") complying with Fed. R. Bank. P. 3002.1(f) and (g).
7. The Creditor Residential Credit Solutions as servicing agent for EMC Mortgage, LLC has filed a Response containing a statement agreeing with the information contained in the Trustee's notice.

8. The claim of WILMINGTON TRUST, NATIONAL ASSOC was allowed as a long-term nondischargeable debt pursuant to the provisions of 11 U.S.C. §1322(b)(5).
9. WILMINGTON TRUST, NATIONAL ASSOC should be required to treat the Debtor(s) mortgage as reinstated and fully current in all obligations under the mortgage.
10. The Debtor(s) has completed the plan and are entitled to a discharge.

WHEREFORE, the Trustee prays as follows:

1. That WILMINGTON TRUST, NATIONAL ASSOC be required to treat the Debtor(s) mortgage as reinstated and fully current in all obligations under the mortgage with the balance of the loan as of 10/2014 determined to be \$37,899.15.
2. That this case be processed for closing; and
3. That the regular monthly payment due be paid directly by the Debtor beginning 11/2014.

This date of December 29, 2014.

s/Richard M. Stearns
Chapter 13 Trustee
1015 Conference Drive
Greenville, NC 27858
(252) 756-7688

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NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the Trustee's Amended Motion to Deem Mortgage Current filed simultaneously herewith in the above captioned case and that this Motion may be allowed provided no response and request for a hearing is made by a party in interest in writing with the **Clerk, U.S. Bankruptcy Court, P O Box 791 Raleigh, North Carolina 27602** within **twenty-one (21)** days of the date of this Motion and Notice. If a response and a request for a hearing are filed by a party in interest within the time indicated, a hearing will be conducted on the Motion and Response thereto at a date, time and place to be later set by the Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and Response thereto ex parte without further notice. Any party filing an objection requesting a hearing shall appear at said hearing or they may be taxed with Court costs.

This date of December 29, 2014.

s/Richard M. Stearns
Chapter 13 Trustee
1015 Conference Drive
Greenville, NC 27858
(252) 756-7688

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CERTIFICATE OF SERVICE

I, Richard M. Stearns, of 1015 Conference Drive, Greenville, NC 27858, do certify:

That I am and was at all times hereinafter referred to more than eighteen (18) years of age; and

That I have this day served a copy of Trustee's Amended Motion to Deem Mortgage Current by depositing a copy of the same in a postage-paid envelope with the United States Postal Service or by electronic means.

TO:

JOHN T. ORCUTT (VIA CM/ECF)
ATTORNEY AT LAW
6616-203 SIX FORKS RD

WILMINGTON TRUST, NATIONAL ASSOC (VIA CERTIFIED FIRST-CLASS MAIL)
C/O SHELLPOINT MORTGAGE SERVICING
Attn: Banking Officer
PO BOX 10826
GREENVILLE, SC 29603-0826

WILMINGTON TRUST, NATIONAL ASSOC (VIA FIRST-CLASS MAIL)
C/O SHELLPOINT MORTGAGE SERVICING
PO BOX 19006
GREENVILLE, SC 29602-9006

JONATHAN DAVID MOORE (VIA FIRST-CLASS MAIL)
1783 NASH ROAD
FARMVILLE, NC 27828

I certify the above to be true and correct.

This date of December 29, 2014

s/Richard M. Stearns
Chapter 13 Trustee
1015 Conference Drive
Greenville, NC 27858
(252)756-7688